

**CHAPTER 89, ARTICLE 1**

**WEIGHTS AND MEASURES, AS AMENDED**

**SECTION (c) GRAIN MOISTURE MEASURING DEVICES**

**JANUARY 1, 2006**

**89-1,104. GRAIN MOISTURE MEASURING DEVICES; INSPECTIONS; FEE.** The Public Service Commission, grain warehouse department, shall enforce the provisions of sections 89-1,104 to 89-1,108. It shall make or cause to be made all inspections and may establish tolerances and specifications for grain moisture measuring devices similar to the tolerances and specifications recommended or used by the grain branch of the United States Department of Agriculture, which shall have for their object the establishment of more accurate grain moisture measuring in the State of Nebraska. The Public Service Commission may charge a fee to cover the cost of inspecting grain moisture measuring devices.

**89-1,104.01. MOISTURE TESTING EXAMINATION FUND; CREATED; USE; INVESTMENT; STATE TREASURER; DUTIES.** The fees charged pursuant to section 89-1,104 shall be remitted by the Public Service Commission to the State Treasurer. The State Treasurer shall credit such fees to the Moisture Testing Examination Fund, which fund is hereby created. The fund shall be appropriated to the Public Service Commission to be used to cover the costs associated with the grain moisture measuring devices program. The money in such fund may be used at any time by the commission. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**89-1,105. GRAIN MOISTURE MEASURING DEVICES; MAKE COMPARATIVE TESTS.** The supervisor of the grain warehouse department of the Public Service Commission, or his or her inspectors, shall inspect, make comparative tests of, and ascertain if correct, every grain moisture measuring device used or employed in this state by any proprietor or agent, lessee, or employee thereof in proving or ascertaining the moisture and test weight of grain offered for storage or sale, sold, or purchased or in the process of being purchased. Such inspector shall use as a standard for making such comparative tests a grain moisture measuring device meeting the tolerances and specifications established pursuant to section 89-1,104.

**89-1,106. GRAIN MOISTURE MEASURING DEVICES; COMPARATIVE TESTS; SEALING OR MARKING.** Whenever the supervisor of the grain warehouse department of the Public Service Commission, or his or her inspectors, compares grain moisture tests of the device being tested with the standard grain moisture measuring device and finds that they correspond or causes them to correspond with the standard, the supervisor, or his or her inspectors, shall seal or mark such grain moisture measuring testing device with appropriate seals or works. Any such grain moisture measuring testing device which upon such inspection shall be found to be defective shall be sealed or marked with an appropriate seal indicating such device to be defective and the owner or user of such device shall be notified in writing on the date of such inspection of such defective condition by the supervisor of the grain warehouse department, or his or her inspectors.

**89-1,107. GRAIN MOISTURE MEASURING DEVICES; USE IN BUYING AND SELLING GRAIN; APPROVAL; VIOLATIONS; PENALTY; EXCEPTION.** Commencing September 1, 1979, any person who, by himself or by his agent or as agent of another person, shall use in buying or selling grain any grain moisture measuring device which has not been tested and approved for use by the supervisor of the grain warehouse department of the Public Service Commission or his or her inspectors shall be guilty of a Class IIIA misdemeanor, except that the use of a newly purchased grain moisture measuring device in the buying or selling of grain prior to regular inspection and approval shall not be considered a misdemeanor if the user of such device has given notice to the supervisor of the grain warehouse department of the Public Service Commission of the purchase and intended use of such new device. Such notice shall be given by either certified or registered mail not later than ten days prior to the date of such intended use.

**89-1,108. GRAIN MOISTURE MEASURING DEVICES; SECTIONS; VIOLATIONS; PENALTY.** A person who violates sections 89-1,104 to 89-1,108 shall be guilty of a Class IIIA misdemeanor and, if a public employee, such person shall be subject to dismissal.